

Cancellation of the claims is not intended in any manner to restrict Applicant's right to pursue such claims, or the subject matter thereof, in this application or any application claiming priority from or through this application, or in any reissue, reexamination or similar application which may be filed with respect thereto. It is asserted that no new matter has been added.

Response to Examiner's Restriction Requirement

The Examiner has issued a restriction requirement, which requires election of one of three groups of claims, which the Examiner asserts are distinct from each other.

The groups of claims are characterized by the Examiner as set forth below:

- I. Claim 1 - 12, drawn to a method for inducing differentiation of monocytes contained in an extracorporeal quantity of a subject's blood into functional dendritic antigen presenting cells, classified in class 435, subclass 2.
- II. Claims 13 - 27 and 46 - 60, drawn to a composition comprising functional dendritic antigen presenting cells and a package preparation comprising the same, classified in class 424, subclasses 93.21, 93.71 for example.
- III. Claims 28 - 45 and 61 - 63, drawn to a method for enhancing the presentation of disease associated antigens and a method of providing a vaccine against disease effector agents expressing at least one disease associated antigen, classified in class 424, subclasses 93.21, 93.71, for example.

The Examiner asserts that Groups I and II, and II and III are related as process of use and product. The Examiner asserts that the composition comprising functional dendritic antigen presenting cells can be utilized as immunogen for preparation of monoclonal antibodies directed against antigen presented functional dendritic cells in the method asserted in Group I (Page 2 - 3, of the Office Action), as well as the method asserted in Group III (Page 3 of the Office Action). The Examiner argues that the groups of inventions have "acquired a separate status in the art because of their art recognized divergent subject matter," and therefore that "restriction for examination ... is proper" (Page 4 of the Office Action).

The Examiner asserts that the inventions defined by the claims in Groups I and III are directed to methods that require different steps and expected results: Group I being directed to a method for inducing differentiation of monocytes into functional dendritic antigen presenting cells, while the method of the invention defined by the claims of Group III are drawn to a method for enhancing the presentation of disease associated antigen and for providing a vaccine against disease effector agents with an expectation of therapeutic effects. Further, the Examiner asserts that the method as defined by the claims in Group II require the steps of treating disease effector agents such that the agents are apoptotic or inactivated, and the re-administration of the incubated disease effector agents and dendritic cells to the subject (Page 3 of the Office Action). Applicant respectfully traverses such restriction requirement for the reasons set forth below.

The Examiner has advised the Applicant that the response to the restriction requirement "to be complete" must include an election of the invention examined even though the requirement be traversed (Page 4 of the Office Action). The Applicants have therefore chosen, with traverse, to provisionally elect Group II (claims 13 -27 and 46 - 60) for prosecution in the present case.

Applicant respectfully traverses the Examiner's restriction requirements, and argues that the inventions are appropriately included in a single application as the claims recite interrelated subject matter, which should be the overriding concern in determining the propriety of the restriction requirement. Applicant respectfully asserts that examination of the claims *in toto* as originally submitted would not be unduly prolonged or burdensome. In view of the foregoing, Applicant respectfully requests the Examiner to reconsider and withdraw the restriction requirement.

Applicant acknowledges his duty to amend inventorship upon cancellation of claims to a non-elected invention if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. As only one inventor

#### **REQUEST FOR INTERVIEW**

In order to streamline prosecution in this case, Applicants respectfully request an interview in this case. The Examiner may reach the undersigned attorney to set up a mutually agreeable date.

### **CONCLUSIONS**

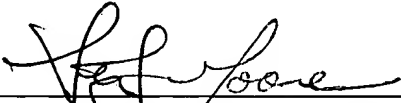
Accordingly, it is respectfully submitted that the claims under consideration are clearly patentable over the references of record. It is submitted that the above-identified patent application is in condition for allowance. Early notification of the allowability of Claims 49, and 61 - 63 is courteously solicited.

### **PETITION FOR 2 MONTH EXTENSION OF TIME AND PAYMENT OF FEES**

Applicant hereby requests a two (2) month extension of time to respond to this action outside of the shortened statutory period set by the Examiner for response to the action. A two (2) month extension fee of \$195 for a small entity is enclosed herewith. The Commissioner for Patents, however, is authorized to charge payment of any further fees that may be required under 37 C.F.R. §1.16 in connection with the paper(s) transmitted herewith, or credit any overpayment of the same, to Deposit Account No. 11-0231.

Respectfully submitted,

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